

§ 6-1466. Protection of personal and financial information in criminal records.

The following privacy rules shall apply to all pleadings and documents filed in all criminal actions in the county courts of Nebraska.

(A) Redacted Filings. In any electronic or paper filing with the court that contains an individual's Social Security number; a taxpayer identification number; a birth date; the name of an individual known to be a minor; or a financial account number, a party or nonparty making the filing may include only, unless otherwise ordered by the court:

- (1) a reference to Social Security number or taxpayer identification number (no digits);
- (2) the year of the individual's birth;
- (3) a minor child's initials;
- (4) the last four digits of a financial account number.

(B) Exemptions. The redaction requirement does not apply to the following:

- (1) the date of birth of a defendant or person subject to detention;
- (2) the name of a defendant or person subject to detention;
- (3) a financial account number or real property address that identifies the account or property allegedly subject to forfeiture in a forfeiture proceeding;
- (4) the record of an administrative or agency proceeding;
- (5) the record of a court or tribunal, if that record was not subject to this rule when originally filed;
- (6) a filing covered by § 6-1466(D).

(C) Victim Information. Personal identifying information, other than a victim's name, shall be prevented from being disclosed on pleadings and documents filed in criminal actions that may be available to the public. Victims eligible for protection are defined in Neb. Rev. Stat. § 29-119 (Cum. Supp. 2014). The Crime Victim Information Form, as set forth in Appendix 13 shall:

- (1) be completed by the County Attorney (or deputy) at initial filing;
- (2) be separately tendered with any such pleading or other document, and if Appendix 13 is submitted in electronic form, it shall be identified in the filing transmittal as a confidential Appendix 13 submission;
- (3) always have the following language visible, "THIS DOCUMENT IS CONFIDENTIAL AND SHALL NOT BE PART OF THE COURT FILE OR PROVIDED TO THE PUBLIC PURSUANT TO N.R.S 81-1848." The clerk of the court shall keep the document separate from the case

file but accessible to the judges and court staff. If the document is submitted in electronic form, or converted from paper form to electronic form, the electronic document or the data contained therein may be reproduced or stored in JUSTICE or other court case management system and the paper form shall not be submitted. Such electronic document, image, or data shall be electronically marked and shall not be accessible or viewable by the public.

The personal identifying information identified in Crime Victim Information Form, Appendix 13, shall not be included in any court order or judgment.

(D) Filings Made Under Seal. The court may, on its own motion or for good cause shown, order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(E) Protective Orders. For good cause, the court may by order in a case:

(1) require redaction of additional information; or

(2) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

(F) Option for Additional Unredacted Filing Under Seal. A person making a redacted filing may also file an unredacted copy under seal. The court shall retain the unredacted copy as part of the record, under seal.

(G) Option for Filing a Reference List. A filing that contains information set forth as provided by § 6-1466(A) may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The reference list shall be filed under seal and may be amended as of right. The court shall retain the reference list as part of the record, under seal. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information as stated on the reference list.

(H) The responsibility for redacting information set forth in § 6-1466(A) rests solely with counsel of record. The clerk of the court shall not be required to review documents for compliance with this rule. If a clerk of the court identifies a violation of this rule, the clerk may, at his or her option, provide a redacted document for public access. However, the clerk electing to provide a redacted copy for public access shall maintain the original document without any alterations thereof, which document shall only be available to the court and to the parties or counsel of record.

§ 6-1466 adopted February 27, 2013; § 6-1466 amended September 16, 2015.
